

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

RICARDO A. MARTINEZ,

Plaintiff,

v.

No. 1:22-CV-00136-H

BRITTANY WALLACE, *et al.*,

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The District Court made an independent examination of the record in this case and reviewed the Magistrate Judge's report for plain error. Finding none, the Court accepts and adopts the findings, conclusions, and recommendation of the United States Magistrate.

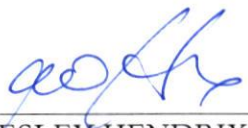
The Court therefore orders that Plaintiff's complaint and all claims alleged within it are dismissed with prejudice under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A as frivolous and for failure to state a claim until he demonstrates that he has met the favorable termination requirement of *Heck v. Humphrey*, 512 U.S. 477 (1994). All relief not expressly granted, and any pending motions are denied.

This dismissal will count as a qualifying dismissal or "strike" under 28 U.S.C. § 1915 and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

Judgment will be entered accordingly.

So ordered.

Dated July 23, 2024.



JAMES WESLEY HENDRIX
United States District Judge